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**TRANSMITTAL
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(to be used for all correspondence after initial filing)

Application Number	10/523.081
Filing Date	February 2, 2005
First Named Inventor	Günther SCHMID
Group Art Unit	
Examiner Name	Not Yet Assigned
Attorney Docket Number	8310-2

Total Number of Pages in this Submission

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
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<input type="checkbox"/> Amendment Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Status Letter
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	James M. Durlacher Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	<i>James M. Durlacher</i>
Date	July 28, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Günther SCHMID, et al.

Serial No. 10/523,081

Filed February 2, 2005

**Metal Cluster Nano-Compounds
For Treating Tumor Diseases**

)
) Before the Examiner
)
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)
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James M. Durlacher
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July 28, 2005

Date of Signature

INFORMATION DISCLOSURE
STATEMENT

Commissioner for Patents
P. O. Box 1450
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Sir:

In accordance with Applicants' continuing duty of disclosure under 37 CFR §1.97

(b)(3), the following patents are brought to the attention of the United States Patent and Trademark Office and specifically to the attention of the Examiner assigned to the subject patent application. The submitted documents are listed on the attached PTO Form. A copy of any cited reference which is not a U.S. patent is enclosed herewith.

U.S. PATENT REFERENCES

Patent No.	Date	Inventor
US 5,360,895	11/01/94	Hainfeld et al.
US 5,443,813	08/22/95	Hainfeld
US 5,521,289	05/28/96	Hainfeld et al.
US 5,690,903	11/25/97	Hainfeld
US 5,728,590	03/17/98	Powell
US 6,037,366	03/14/00	Krall
US 6,121,425	09/19/00	Hainfeld et al.
US 6,369,206	04/09/02	Leone et al.

FOREIGN PATENT REFERENCES

Patent No.	Date	Country
EP 0 195 147 A1	09/24/86	EP
WO 94/21288 A1	09/29/94	PCT
WO 00/06244 A2+A3	02/10/00	PCT
WO 01/73150 A1	04/10/01	PCT
WO 01/77121 A1	10/18/01	PCT

NON-PATENT REFERENCES

P. Calamai et al. "Biological Properties of Two Gold(III) Complexes: AuCl_3 (Hpm) and AuCl_2 (pm)", *Journal of Inorganic Biochemistry*, 1997, 103-109, Elsevier Science Inc.

P. Calamai et al. "Cytotoxic Effects of Gold(III) Complexes on Established Human Tumor Cell Lines Sensitive and Resistant to Cisplatin", *Anti-Cancer Drug Design* (1998), 13, 67-80, Oxford University Press

S. Carotti et al. "Cytotoxicity and DNA Binding Properties of a Chloro Glycylhistidinate Gold(III) Complex (GHAu)", *Chemico-Biological Interactions* 125 (2000) 29-38, Elsevier Science Ireland Ltd.

J. Carrasco et al. "Structural Characterization and Cytostatic Activity of Chlorobis(holylgly-cinato)gold(III)", *Journal of Inorganic Biochemistry*, 84, (2001) 287-292, Elsevier Science B.V.

Y. Liu et al. "Gold Cluster Degradation by the Transition of B-DNA into A-DNA and the Formation of Nanowires", *Angewandte Chemie, Int. Ed.*, Bd. 42, Nr. 25, 30. Juni 2003, Seiten 2853-2857, XP002262744

G. Marcon et al. "Gold(III) Complexes with Bipyridyl Ligands: Solution Chemistry, Cytotoxicity and DNA Binding Properties", *Journal of Medicinal Chemistry* 2002, Vol. 45, No. 8, 1672-1677

L. Messori et al. "Gold(III) Complexes as Potential Antitumor Agents: Solution Chemistry and Cytotoxic Properties of Some Selected Gold(III) Compounds", *Journal of Medicinal Chemistry* 2000, Vol. 43, 3541-3548

L. Messori et al. "Interactions of Selected Gold(III) Complexes with Calf Thymus DNA", *Biochemical and Biophysical Research Communications* 281, 352-360 (2001)

F. Patolsky et al. "Au-Nanoparticle Nanowires Based on DNA and Polylysine Templates", *Angewandte Chemie* 2002, 114, Nr. 13, 2429-2433

S. Peschel et al. "First Steps Towards Ordered Monolayers of Ligand-Stabilized Gold Clusters", *Angewandte Chemie, Int. Ed.*, 1995/34, No. 13/14

G. Schmid, "Metal Clusters and Cluster Metals", *Polyhedron* Vol. 7, No. 22/23, 2321-2329, 1988

G. Schmid, "Hexachlorododecakis(Triphenylphosphine)Pentapentacontagold", *Inorganic Syntheses*, Vol. 27, 214-218, 1990

T. Tominaga et al. "Tracer Diffusion of a Ligand-Stabilized Two-Shell Gold Cluster" *Chemistry Letters* 1996, 1033-1034

As all of the cited references are in the English language, no concise explanation appears to be required.

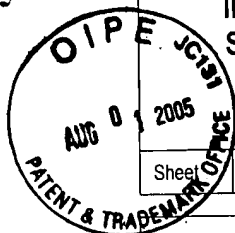
This Information Disclosure Statement is being filed prior to the issuance of an Office Action. It is believed that no other fee is required for submission of this Statement. Should any additional fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By James M. Durlacher
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			<i>Complete if Known</i>		
			Application Number	10/523,081	
			Filing Date	February 2, 2005	
			First Named Inventor	Gunter SCHMID	
			Group Art Unit		
Examiner Name	Not Yet Assigned				
Attorney Docket No.	8310-2				
Sheet	1	of	2		

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US 5,360,895	11/01/94	Hainfeld et al.	
		US 5,443,813	08/22/95	Hainfeld	
		US 5,521,289	05/28/96	Hainfeld et al.	
		US 5,690,903	11/25/97	Hainfeld	
		US 5,728,590	03/17/98	Powell	
		US 6,037,366	03/14/00	Krall	
		US 6,121,425	09/19/00	Hainfeld et al.	
		US 6,369,206	04/09/02	Leone et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		EP 0 195 147 A1				
		WO 94/21288 A1				
		WO 00/06244 A2+A3				
		WO 01/73150 A1				
		WO 01/77121 A1				

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T ²
		P. Calamai et al. "Biological Properties of Two Gold(III) Complexes: AuCl ₃ (Hpm) and AuCl ₂ (pm)", Journal of Inorganic Biochemistry, 1997, 103-109, Elsevier Science Inc.	
		P. Calamai et al. "Cytotoxic Effects of Gold(III) Complexes on Established Human Tumor Cell Lines Sensitive and Resistant to Cisplatin", Anti-Cancer Drug Design (1998), 13, 67-80, Oxford University Press	
		S. Carotti et al. "Cytotoxicity and DNA Binding Properties of a Chloro Glycylhistidinate Gold(III) Complex (GHAu)", Chemico-Biological Interactions 125 (2000) 29-38, Elsevier Science Ireland Ltd.	
		J. Carrasco et al. "Structural Characterization and Cytostatic Activity of Chlorobis(hydroxyglycinato)gold(III)", Journal of Inorganic Biochemistry, 84, (2001) 287-292, Elsevier Science B.V.	
		Y. Liu et al. "Gold Cluster Degradation by the Transition of B-DNA into A-DNA and the Formation of Nanowires", Angewandte Chemie, Int. Ed., Bd. 42, Nr. 25, 30. Juni 2003, Seiten 2853-2857, XP002262744	

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¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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				Group Art Unit	
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket No.	8310-2

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T ²
		G. Marcon et al. "Gold(III) Complexes with Bipyridyl Ligands: Solution Chemistry, Cytotoxicity and DNA Binding Properties", Journal of Medicinal Chemistry 2002, Vol. 45, No. 8, 1672-1677	
		L. Messori et al. "Gold(III) Complexes as Potential Antitumor Agents: Solution Chemistry and Cytotoxic Properties of Some Selected Gold(III) Compounds", Journal of Medicinal Chemistry 2000, Vol. 43, 3541-3548	
		L. Messori et al. "Interactions of Selected Gold(III) Complexes with Calf Thymus DNA", Biochemical and Biophysical Research Communications 281, 352-360 (2001)	
		F. Patolsky et al. "Au-Nanoparticle Nanowires Based on DNA and Polylysine Templates", Angewandte Chemie 2002, 114, Nr. 13, 2429-2433	
		S. Peschel et al. "First Steps Towards Ordered Monolayers of Ligand-Stabilized Gold Clusters", Angewandte Chemie, Int. Ed., 1995/34, No. 13/14	
		G. Schmid, "Metal Clusters and Cluster Metals", Polyhedron Vol. 7, No. 22/23, 2321-2329, 1988	
		G. Schmid, "Hexachlorododecakis(Triphenylphosphine)Pentapentacontagold", Inorganic Syntheses, Vol. 27, 214-218, 1990	
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